

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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United States of America,

ORDER

-vs-

CR-02-05 (FB)

Garfield Thomas,
Defendant.

On March 7, 2008 the defendant filed a pro se motion seeking re-sentencing pursuant to T. 18 U.S.C. Section 3582(c)(2) and USSG Section 1B1.10 (as amended 3/3/08). On October 29, 2002 this Court sentenced the defendant to 120 months which is the statutory minimum sentence and not a guidelines sentence. Accordingly it is

HEREBY ORDERED that the pro se defendant's motion for re-sentencing is DENIED, because he is ineligible for re-sentencing since he was sentenced to a statutory minimum sentence.

The clerk is directed to mail copies of this notice to all parties.

DATED: Brooklyn, New York
March 11, 2008

s/Frederic Block

U.S.D.J.

cc.: Garfield Thomas, Pro se defendant